

Atty. Dkt. No. 024051-0135

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Alan KEMP II et al.

Title: CLICK BASED TRADING WITH INTUITIVE GRID  
DISPLAY OF MARKET DEPTH

RECEIVED

Appl. No.: 09/590,692

MAR 09 2004

Filing Date: 06/09/2000

OFFICE OF PETITIONS

Examiner: R. Weisberger

Art Unit: 3624

Confirmation No.: 2769

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 (b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance dated February 10, 2004, allowing claims 22 - 70 and 89 - 95 and thank the Examiner for same. However, Applicants disagree with the Determination of Patent Term Adjustment under 35 USC 154(b) and present the following facts to support their contention that the patent term reward should be 443 days instead of 0 days.

Bases for the Adjustment: The correct patent term adjustment should be 443 days. Applicants believe that the additional 443 days are due based on 425 days beginning thirty (30) days after the filing of Applicants' Request for Continued Examination submitted to the Patent and Trademark Office (December 12, 2002) and receipt of the Notice of Allowance on February 10, 2004. These 425 days should be added to the PTO delay calculation. Applicants further believe that the calculation of Applicants' Total Delay is incorrectly set forth as 231 days instead of 154 days as

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indicated by our Patent Term Adjustment Calculation System (a copy of which is attached). Applicants received a Notice to File Missing Parts mailed August 3, 2000 and timely responded to this request on October 2, 2000. Therefore, the PTO incorrectly set forth a 46 day delay for responding to such. Applicants further believe that the PTO's calculation of 154 days delay between October 12, 2001 and March 12, 2002 is in error. Accordingly, Applicants should be granted an additional 443 days of patent term.

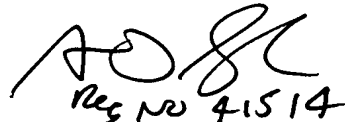
37 C.F.R. § 1.705(b)(2)(iii) statement: The above referenced file is the subject of a terminal disclaimer filed October 20, 2003 for Serial No. 09/590,692 and the related application Serial No. 09/894,637 both pending.

37 C.F.R. § 1.705(b)(2)(iv) statement: There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

Enclosed with this request is the fee of \$200.00 as set forth in 37 C.F.R. §1.18(e). Furthermore, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By

  
Reg No 41514

Date: March 5, 2004

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

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William T. Ellis

Attorney for Applicant

Registration No. 26,874

## Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 024051-0135  
 Application Number: 09/590692  
 Patent Number: N/A



	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	06/09/2000	0		
Edit Delete	Notice to File Missing Parts	08/03/2000	55		
Edit Delete	Response to Notice to File Missing Parts	10/02/2000	115		
Edit Delete	PTO Action Response Received at PTO	03/13/2001	277		
CLOSE WINDOW	ALL CASES SELECT CASE				
Edit Delete	PTO Action	06/08/2001	364		
	PTO Action + 3 months	09/08/2001	456		
Edit Delete	PTO Action Response Received at PTO	10/09/2001	487		31
	PTO Action Response Received at PTO + 4 months	02/09/2002	610		
Edit Delete	Notice of Allowance	07/31/2002	782	172	
Edit Delete	Issue Fee Paid	08/12/2002	794		
Edit Delete	Post-Allowance Document Received at PTO	08/12/2002	794		
Edit Delete	Request For Continued Examination	11/12/2002	886		
	PTO Action Response Received at PTO + 4 months	12/12/2002	916		
	Post-Allowance Document Received at PTO + 4 months	12/12/2002	916		123
Edit Delete	Notice of Allowance	02/10/2004	1,341	425	
	Projected Patent Grant Date	08/24/2004	1,537		
			Totals:	597	154
			PTA:	443	

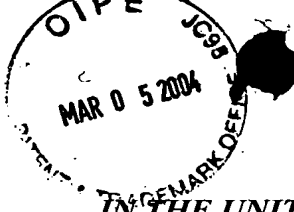
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Foley &amp; Lardner LLP



Atty. Dkt. No. 024051-0135

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gary Alan KEMP II et al.

Title: CLICK BASED TRADING WITH INTUITIVE GRID DISPLAY  
OF MARKET DEPTH

Appl. No.: 09/590,692

Filing Date: 06/09/2000

Examiner: R. Weisberger

Art Unit: 3624

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**APPLICANTS' STATEMENT ON SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:


Having reviewed the Interview Summary mailed on February 10, 2004 in the above-captioned application file, based on the telephonic Interview conducted on September 1, 2003, Applicants make the following clarifying remarks. Applicants agree with the substance of the Interview Summary as described by the Examiner. Applicants further point out for clarification that the product identified by Applicants that was referenced in the petition to make special in this case was the "DOME" screen of the J-Trader product.

Respectfully submitted,

Date: March 5, 2004

FOLEY & LARDNER  
Customer Number: 22428  
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By

  
By no 41514

William T. Ellis  
Attorney for Applicant  
Registration No. 26,874



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Examiner: R. Weisberger

Art Unit: 3624

Confirmation No.: 2769

**REQUEST FOR CLARIFICATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

We have recently received the Notice of Allowance in the above-identified case. In reviewing the Form PTO-37, the undersigned notes that the number of allowed Claims is listed as 54; Claims 22-70 and 89-93.

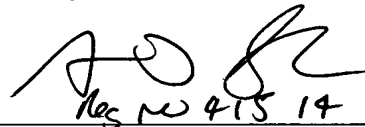
The allowed Claims are Claims 22-70 and Claims 89-95, the correct number of allowed claims is 56.

Therefore, it is requested that the Examiner issue corrected Form PTO-37, indicating that the number of allowed Claims in the application is 56, Claims 22-70 and Claims 89-95.

Respectfully submitted,

Date: March 5, 2004

By

  
MAR 05 2004

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Customer Number: 22428

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